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Attorneys for GOOGLE LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO DIVISION

GOOGLE LLC,

Plaintiff,

13 | vs.

CASE NO. 3:20-cv-06754-WHA

**GOOGLE'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
PORTIONS OF ITS MOTION FOR  
LEAVE TO FILE A SECOND AMENDED  
COMPLAINT**

15 Defendants.

Pursuant to Civ. L.R. 7-11 and 79-5 and in conformance with this Court’s Standing Order governing requests to file documents under seal, Plaintiff Google LLC (“Google”) hereby requests to file under seal portions of Google’s Motion for Leave to file a Second Amended Complaint, and certain exhibits in support thereof, filed concurrently herewith. Specifically, Google requests an order granting leave to file under seal the documents and portions of documents listed below:

<b>Document</b>	<b>Portions to be Filed Under Seal</b>	<b>Party Claiming Confidentiality</b>
Google’s Motion for Leave	Yellow highlighted portions	Google & Sonos
Google’s SAC and redline of SAC, Exhibit 1-2 to Cooper Decl.	Yellow highlighted portions	Google & Sonos
Ex. 3 to Cooper Decl.	Entire document	Google & Sonos
Ex. 5 to Cooper Decl.	Green highlighted portions	Google & Sonos

#### I. LEGAL STANDARD

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civ. L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

#### II. THE COURT SHOULD SEAL GOOGLE’S CONFIDENTIAL INFORMATION

Google seeks to seal Exhibit 3 to the Cooper Declaration, which is a Content Integration Agreement (“CIA”) between Sonos and Google, because the agreement contains information about confidential, non-public agreements between Google and Sonos. Cooper Decl. ¶ 3; *Aya Healthcare Servs., Inc. v. AMN Healthcare, Inc.*, No. 17CV205-MMA (MDD), 2020 WL 1911502, at \*3 (S.D. Cal. Apr. 20, 2020) (finding compelling reasons to seal “non-public, confidential information” concerning “commercial relationships,” “agreements,” and “business dealings” between the parties); *see also In re Electronic Arts, Inc.*, 298 F. App’x. 568, 569 (9th Cir. 2008) (finding compelling reasons to seal terms of a licensing agreement). Google also seeks

1 to seal those portions of the SAC (Exhibits 1-2) that quote the CIA, as well as portions of its motion  
 2 for transfer (Ex. 5) that discuss the CIA.

3       Public disclosure of this information would harm Google’s competitive standing and its  
 4 ability to negotiate future agreements. Cooper Decl. ¶ 3; *see In re Google Inc. Gmail Litig.*, No.  
 5 13-MD-02430-LHK, 2014 WL 10537440, at \*5 (N.D. Cal. Aug. 6, 2014) (sealing “the terms of  
 6 Google’s contracts” because they “are trade secrets that, if disclosed, could cause competitive  
 7 harm to Google”). Google has narrowly tailored its requests to only information meriting sealing.

8 **III. CONCLUSION**

9       In compliance with Civil Local Rules 79-5(d) and (e), redacted and unredacted versions of  
 10 the above listed documents accompany this Administrative Motion. For the foregoing reasons,  
 11 Google respectfully requests that the Court grant Google’s administrative motion to file under  
 12 seal.

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14 DATED: November 16, 2021

QUINN EMANUEL URQUHART &  
 15 SULLIVAN, LLP

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By /s/ Lindsay Cooper

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18           Charles K Verhoeven  
 19           Melissa Baily  
 20           Lindsay Cooper  
 21           Attorneys for Plaintiff

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## **ATTESTATION**

I, Charles K. Verhoeven, am the ECF user whose ID and password are being used to file the above Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Lindsay Cooper has concurred in the aforementioned filing.

*/s/ Charles K. Verhoeven*

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Charles K. Verhoeven